



City of Marlborough License Board

140 Main Street, Lower Level
Marlborough, MA 01752
(508) 460-3751 FAX (508) 460-3625

Minutes of the License Board Regular Meeting Held August 26, 2015 at 7:30 PM, City Hall, 1st floor, Council Committee Room

Attending: Walter Bonin, Chairman; Gregory Mitrakas, Member; David Bouvier, Member and Tina Nolin, Clerk

Meeting called to order by Chairman Bonin at 7:30 PM

New Business

- 1. One Day Permits** – the following organizations applied for One-Day Permits and were approved.
 - Member Mitrakas motioned for approval, Member Bouvier seconded, Approved 3-0
 - **Immaculate Conception S.P.A**
 - **ITAM**
 - **Moose Lodge 1129**
 - **Tasty Home Cookin'**
 - **The Vin Bin**

- 2. Funky Murphy's Change of Premise Application (Outdoor Dining) Desmond McKane
Public Hearing opened at 7:36**

Desmond McKane of Funky Murphy's presented the application. The restaurant is opened from 11:30 am to 2:00 am. They are looking to have outdoor dining service from 11:00 am to 11:00 pm. Outside space has been reworked on the parking lot side and Main Street side of the premises. They would have 3-5 tables with seating for 4 on the patio.

Asked by about seating wrapping around the front to Main Street. Mr. McKane said yes eventually it would, but currently starting slow with only the side for now. However, he said in the front there would be no obstruction regarding the sidewalk.

- Chairman Bonin requested from public any pro/positive comments – none voiced
- Chairman Bonin requested from public any objections:

Abutter, Mr. John Rowe, voiced deep concern over noise and outside drinking

Mr. McKane responded by explaining that they were not chasing a late night, loud music, partying crowd and there would not ever be any live music. The establishment would have only light background music to accommodate conversation. So the issue of loud music late into the evening should not be a concern.

Abutter, Gaye Rowe, expressed concern that when a funeral was going on next door to have an outside bar with reverie may not be respectful or present a solemn atmosphere and would not be welcomed by the families.

Mr. McKane responded that if there was to be a funeral if someone from the Funeral Home would come over beforehand and let them know (ahead of time) they would keep the seating closed, including closing the accordion door windows until after the event.

Abutter, Mr. Peter Rowe, expressed concern about serving outside until 11:00 pm – which would mean people would still be out there at midnight and voices and noises carry louder at night.

Chairman Bonin requested from public any other comments and any other questions – none voiced

Public Hearing was closed at 7:50 PM

Chairman Bonin reiterated the concern with noise and mentioned passed issues with noise with previous establishment, making it clear that noise levels will need to be strictly attended to. At the same time the city wants to be welcoming and wants them to succeed so they want to keep the dialogue open and work with both the establishment and the neighbors.

Member Mitrakas noted that the hours of the patio service is going to very important to this working smoothly for all parties, noting that what is decided at this meeting is not cast in stone for either side. It can be modified and changed so all parties can be happy.

Chairman Bonin noted that he was not in favor of starting off with the patio serving until 11:00 pm, and suggested to start service would go until 10:00 pm with the patio cleared by 11:00 pm. All parties agreed.

Chairman Bonin noted that abutter, Mary Rowe, had sent the Board a letter addressing her concerns about the outdoor dining at the Funky Murphy's establishment and that the letter would be entered into public record. He also stated that the building department will need to address issues related to the patio as well and for Mr. McKane to be sure to touch base with them once ABCC approval is received.

Member Bouvier motioned for approval with the patio hours being 11:30 am to 10:00 pm with tables cleared by 11:00 pm, Member Mitrakas seconded, Approved 3-0

3. Monti's Mini Market, Inc.- Change of Hours Application – Stephen Monti

Stephen Monti Appeared before the Board to request a change of Sunday hours to 10:00 am

- Member Mitrakas motioned to approve, Member Bouvier seconded; approved 3-0

4. La Tapatia – Informal discussion of change of license from Beer & Wine to Full Alcohol

Jose Cruz Barajas, owner of La Tapatia was in attendance to discuss with the Board obtaining an All Alcohol License for his establishment when it moved to Boston Post Road East in October. Member Mitrakas recused himself from the discussion with La Tapatia.

After some discussion Chairman Bonin explained that the historical perspective of the Board and the city is to not issue new licenses when there are licenses available for sale in the city. Currently there was one – the former Four Hundred and One. Chairman Bonin said he will reach out to the owner of that license and if Mr. Barajas would like to come in next month he would report on his findings and they could move on from there.

Chairman Bonin also reminded Mr. Barajas that he will need to submit a Transfer of Location for his current license to his new location so it is ready when he is ready to open.

5. Misc. Correspondence and Open Issues

- a. ABCC Correspondence – re: FU WAH RESTAURANT INC.
Turn license in on 9/16; need to see if it will be for 5 or 9 days from the ABCC – let Chairman Bonin know if it is not received.

Chairman Bonin motioned to accepted the correspondence and put on file, seconded by Member Bouvier; approved 3 - 0

- b. Bereavement One-day Liquor Licenses
Discussion of policy to adopt if Board receives One-Day Liquor License requests when there is no time to post the official 48 hours for a meeting, given the unknowable timing of such events ahead of time.
Board voted to issue two (2) special licenses where there is inadequate time, less than 48 hours, to post a meeting. The license will list Date and Location as TBD and the Event Bereavement. Member Mitrakas motioned to accept the 2 special licenses, Member Bouvier seconded, approved 3 – 0.

2. Review minutes –

Regular meeting, July 22, 2015

Special Meeting – August 20, 2015

Member Mitrakas motioned to approve both sets of minutes and place on file, Member Bouvier seconded, approved to file 3-0

Motion made to adjourn: 9:05 pm by Member Mitrakas, Seconded by Member Bouvier, vote: 3-0 for adjournment. Next meeting is Wednesday, September 23, 2015

Respectfully submitted,

Walter Bonin

**Copies of public documents related to these minutes are available upon request at the
Licensing Board Office at 140 Main Street, Lower Level, Marlborough, MA 01752**

Walter Bonin, Chairman